



AN ACT DEFINING A "CONDITIONAL DISCHARGE" FOR PROBATION AND PAROLE PURPOSES; AND ESTABLISHING GROUNDS FOR REVOKING A CONDITIONAL DISCHARGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Conditional discharge -- definition -- revocation. (1) (a) A conditional discharge granted under 46-23-1011 or 46-23-1021 is:

(i) a discharge from supervision by the department for the time remaining on the sentence imposed if the probationer or parolee complies with all the conditions imposed by the district court or the board; and

(ii) a release from the obligation to pay supervision fees imposed as part of a sentence or as terms of parole or probation.

(b) If an individual who has been granted a conditional discharge under 46-23-1011 or 46-23-1021 becomes a resident of another state, the conditional discharge must be construed as a discharge of the imposed sentence subject to revocation as provided in subsection (2).

(2) A conditional discharge may be revoked if, within the time remaining on the sentence that was conditionally discharged, the individual:

(a) is charged with a felony offense;

(b) is charged with a misdemeanor offense for which the individual could be sentenced to incarceration for a period of more than 6 months; or

(c) violates any condition imposed by the district court or the board.

(3) A sexual or violent offender who is subject to lifetime supervision by the department is not eligible for a conditional discharge from supervision.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section 1].

- END -

I hereby certify that the within bill,
HB 0177, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 177
INTRODUCED BY D. KOTTEL

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